

Docket No. 13720-105068US2

**PATENT
RECEIVED****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Michael D. Dake et al.

27 NOV 2007

Group Art Unit: 1618

Serial No.: 10/591,486

Examiner: Deborah D. Williams Legal Staff International Division

Filed: June 18, 2007

For: Compositions and Methods of Topical Diagnostic and Therapeutic Transport

Via Facsimile (571-273-0459)

ATTN: PCT LEGAL Office

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**REQUEST FOR CORRECTED FILING RECEIPT**

Sir:

Upon review of the Corrected Filing Receipt, Applicants request that the PCT Legal Office correct the following error:

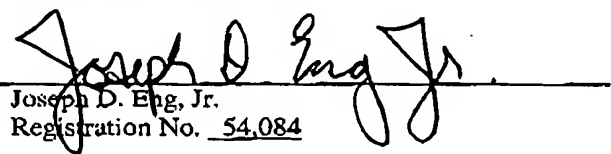
In the "Domestic Priority Data as Claimed by Applicant", please delete "***".

Applicants believe that the Data provided by the Applicant is consistent with the USPTO records. In particular, the filing date of the PCT/US2005/006931 is March 3, 2005. Enclosed are copies of the Decision on Petition under 37 CFR 1.10(C) and PCT/IB/345 indicating that the international filing date is 03 March 2005 instead of 04 March 2005.

Applicants respectfully request that the PCT Legal office correct their records accordingly and issue a corrected filing receipt.

Respectfully Submitted,
KING & SPALDING LLPDated: November 27, 2007

By:


Joseph D. Eng, Jr.
Registration No. 54,084King and Spalding LLP
1185 Avenue of the Americas
New York, NY 10036
212-556-2100 Telephone
212-556-2222 Facsimile



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Joseph D. ENG, JR.
Morgan & Finnegan, LLP
3 World Financial Center
New York, New York 10281-2101

In re Application of : DECISION ON
ESSENTIA BIOSYSTEMS, INC. :
PCT No.: PCT/US2005/006931 :
Int. Filing Date: 04 March 2005 :
Priority Date: 03 March 2004 : PETITION UNDER
Attorney's Docket No.: 4649-4003PC :
FOR: COMPOSITIONS AND METHODS FOR :
TOPICAL ...THERAPEUTIC TRANSPORT : 37 CFR 1.10 (c)

This decision is in response to the "PETITION TO CORRECT FILING DATE," filed on 30 September 2005, which is being treated as a petition under 37 CFR 1.10(c) requesting that the international filing date of 04 March 2005 changed to 03 March 2005 for the above identified international application. No fee is required for this petition.

BACKGROUND

This petition is to correct the international filing date of the above international application that was purported to have been filed on 03 March 2005. The United States Receiving Office (RO/US) on 19 July 2005 mailed applicant a "NOTIFICATION OF THE INTERNATIONAL APPLICATION NUMBER AND OF THE INTERNATIONAL FILING DATE" (Form PCT/RO/105) stating that the international filing date is 04 March 2005.

On 30 September 2005, the present petition was filed to this Office requesting that the application be accorded a filing date of 03 March 2005, which would be pursuant to the "Express Mail" provisions under 37 CFR 1.10(c). The petition includes, *inter alia*, a copy of the customer receipt of "Express Mail" Label No. EV622497795US.

DISCUSSION

37 CFR 1.10(c) provides:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

Application No: PCT/US2005/06931

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.


The petition was filed promptly. 37 CFR 1.10(c)(1). In addition, a review of the application papers reveals that "Express Mail" Label No. EV622497795US was placed, *inter alia*, on the PCT International Application Transmittal Letter. CFR 1.10(c)(2). Although the copy of the customer receipt of "Express Mail" Label No. EV622497795US filed with the present petition identifies the day of deposit in the "Date In" box, as 03 March 2005. 37 CFR 1.10(c)(3).

Accordingly, the requirements under 37 CFR 1.10(c) have been satisfied.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.10(c) is **GRANTED** and the date of receipt of the above international application at the USPTO is 03 March 2005. Form PCT/RO/105 mailed on 19 July 2005 is hereby **VACATED**.

A new NOTIFICATION OF THE INTERNATIONAL APPLICATION NUMBER AND OF THE INTERNATIONAL FILING DATE (Form PCT/RO/105) and corrected first sheet of the Request indicating an international filing date of 03 March 2005 is being forwarded with a copy of this decision to the International Bureau.


Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

Enclosed: First page of the Request
Form PCT/RO/105

CC: The International Bureau of WIPO
34, Chemin des Colombettes
P.O. Box 18
CH-1211 Geneva 20
Switzerland

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:

JOSEPH D. ENG, JR.
MORGAN & FINNEGAN, LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NEW YORK 10281-2101

PCT

NOTIFICATION OF THE INTERNATIONAL
APPLICATION NUMBER AND OF THE
INTERNATIONAL FILING DATE

(PCT Rule 20.5(c))

Date of mailing
(day/month/year)

19 OCT 2005

Applicant's or agent's file reference

4649-4003PC

IMPORTANT NOTIFICATION

International application No.

PCT/US2005/006931

International filing date (day/month/year)

03 Mar 2005

Priority date (day/month/year)

03 Mar 2004

Applicant

ESSENTIA BIOSYSTEMS, INC.

Title of the invention

COMPOSITIONS AND METHODS FOR TOPICAL DIAGNOSTIC AND THERAPEUTIC TRANSPORT

1. The applicant is hereby notified that the international application has been accorded the international application number and the international filing date indicated above.

2. The applicant is further notified that the record copy of the international application:



was transmitted to the International Bureau on

19 Jul 2005



has not yet been transmitted to the International Bureau for the reason indicated below and a copy of this notification has been sent to the International Bureau*:



because the necessary national security clearance has not yet been obtained.



because (reason to be specified):

- * The International Bureau monitors the transmittal of the record copy by the receiving Office and will notify the applicant (with Form PCT/IB/301) of its receipt. Should the record copy not have been received by the expiration of 14 months from the priority date, the International Bureau will notify the applicant (Rule 22.1(c)).

3. FOREIGN TRANSMITTAL LICENSE INFORMATION

Completed by: RE



Additional license for foreign transmittal not required. This subject matter is covered by a license already granted or the equivalent U.S. national application. Refer to that license for information concerning its scope.



License for foreign transmittal not required. 37 CFR 5.11(c)(1) or 37 CFR 5.11(c)(2). However, a license may be required for additional subject matter. See 37 CFR 5.15(b).



Foreign transmittal license granted. 35 U.S.C. 184; 37 CFR 5.11 on

14 Jul 2005

(date)



37 CFR 5.15(a)



37 CFR 5.15(b)

Name and mailing address of the receiving Office

Mail Stop PCT, Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Facsimile No. 703-305-3230

Authorized officer

Rafael Bacates

Telephone No. 671-272-3278


PCT/US05/06931
4649-4003PC

1/1

PCT (ANNEX - FEE CALCULATION SHEET)

Original (for SUBMISSION)

(This sheet is not part of and does not count as a sheet of the international application)

0	For receiving Office use only	PCT/US 05 / 06931		
0-1	International Application No.	03.03.05 03 MAR 2005		
0-2	Date stamp of the receiving Office			
0-4	Form PCT/RO/101 (Annex) PCT Fee Calculation Sheet Prepared Using	PCT-SAFE [EASY model] Version 3.50 (Build 0002.169)		
0-4-1		4649-4003PC		
0-6	Applicant's or agent's file reference	4649-4003PC		
2	Applicant	ESSENTIA BIOSYSTEMS, INC.		
12	Calculation of prescribed fees	fee amount/multiplier	Total amounts (USD)	
12-1	Transmittal fee T	⇔	300	300
12-2-1	Search fee S	⇔	1000	1000
12-2-2	International search to be carried out by	US		
12-3	International filing fee (first 30 sheets) H	1134		
12-4	Remaining sheets	75		
12-5	Additional amount (X)	12		
12-6	Total additional amount IZ	900		
12-7	H + IZ =	2034		
12-12	EASY Filing reduction R	-81		
12-13	Total international filing fee (I+R) I	⇔	1953	1953
12-14	Fee for priority document Number of priority documents requested	1		
12-15	Fee per document (X)	20		
12-16	Total priority document fee: P	⇔	20	20
12-17	TOTAL FEES PAYABLE (T+S+H+P)	⇔	3273	3273
12-18	Mode of payment	authorization to charge deposit account		
12-20	Deposit account instructions The receiving Office	United States Patent and Trademark Office (USPTO) (RO/US)		
12-20-1	Authorization to charge the total fees indicated above	✓		
12-20-2	Authorization to charge any deficiency or credit any overpayment in the total fees indicated above	✓		
12-20-3	Authorization to charge the fee for priority document	✓		
12-21	Deposit account No.	13-4500, ORDER NO. 4649-4003PC		
12-22	Date	03 March 2005 (03.03.2005)		
12-23	Name and signature	ENG, Jr., Joseph D. 		

PATENT COOPERATION TREATY

PCT**COMMUNICATION IN CASES FOR WHICH
NO OTHER FORM IS APPLICABLE**

From the INTERNATIONAL BUREAU

To:

ENG, Joseph, D., Jr.
Morgan & Finnegan, LLP
3 World Financial Center
New York, New York 10281-2101
ETATS-UNIS D'AMERIQUE

Date of mailing (<i>day/month/year</i>) 28 October 2005 (28.10.2005)	
Applicant's or agent's file reference 4649-4003PC	REPLY DUE see paragraph 1 below
International application No. PCT/US2005/006931	International filing date (<i>day/month/year</i>) 03 March 2005 (03.03.2005)
Applicant ESSENTIA BIOSYSTEMS, INC.	

1. ☐ REPLY DUE within _____ months/days from the above date of mailing
☒ NO REPLY DUE, however, see below
☒ IMPORTANT COMMUNICATION
☐ INFORMATION ONLY

2. COMMUNICATION:

Please be informed that the receiving Office has notified the International Bureau that the international filing date for the above-identified international application should read

03 March 2005 (03.03.2005)

instead of:

04 March 2005 (04.03.2005)

A copy of this communication has been sent to the receiving Office RO/US, and the International Searching Authority ISA/US.

N F 11/08/05 PM 2:24:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.70.80	Authorized officer Kari HUYNH-KHUONG Telephone No. (41-22) 338.97.80
--	--